

VZCZCXRO3988

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FM AMEMBASSY BRASILIA
TO RUEHC/SECSTATE WASHDC 2297
INFO RUEHWH/WESTERN HEMISPHERIC AFFAIRS DIPL POSTS
RUEKJCS/SECDEF WASHDC

UNCLAS BRASILIA 001120

SENSITIVE
SIPDIS

E.O. 12958: N/A

TAGS: [BR](#) [MARR](#) [PGOV](#) [PHUM](#)

SUBJECT: CONTROVERSY OVER BRAZIL,S AMNESTY LAW INFLAMES OLD
TENSIONS

¶1. (U) On August 31, Brazilian Justice Minister Tarso Genro called for prosecution of members of the Brazilian military involved with violations of human rights, including torture, during Brazil,s 1964-85 military government. This would call for a revision of the 1979 law on amnesty which halted prosecutions of "crimes of state." Tarso received strong support from Brazil,s human rights and academic communities which cite international conventions defining torture as a crime against humanity. As such, argue those favoring revision of the law, it would fall outside the definition of crimes of state covered by the amnesty law.

¶2. (U) Minister Tarso,s statement has elicited a strong response from Brazil,s military community. Several high ranking officers, including the President of the Military Club General Gilberto Figueiredo, have called for the Justice Ministry to focus on other matters, including possible prosecutions for anti-government violence during the period of military rule. Groups perpetrating such violence gave a start in politics to several prominent members of the Lula government, including the President,s Chief of Staff, Dilma Rouseff. Defense Minister Jobim, former head of the Supreme Court, urged a reasonable approach saying that the question of crimes under military rule was a matter for the judiciary, not the administration. On August 12, President Lula gave his support to Jobim,s view and declared that the matter was "closed." Despite the President,s statement, several members of Lula,s Workers, Party and other human rights advocates have publicly committed to pursuing revision of the amnesty law.

¶3. (SBU) Comment: While efforts to seek justice (or political retribution, depending on one,s politics) for actions of the military government are not new in Brazil, this year,s controversy has provoked stronger reactions than in the past. With the military beginning to emerge from over two decades of unpopularity and neglect, its leaders wish to avoid reopening old wounds. One Brazilian air force officer cornered a DAO member and spent forty minutes telling him how counterproductive changing amnesty would be. At the same time, former opponents to military rule, some of whom occupy key government posts, may see the final two years of the Lula government as their last best chance to seek convictions of former military members. The choice of human rights groups to highlight accusations of torture, a clear violation of international human rights standards, gives them a legal basis to attack the amnesty. The courts, however, are taking a careful approach. Supreme Court President Mendes cautioned that cases regarding military governments have been a source "of much long term instability" in other countries. With President Lula supporting Jobim,s view that "the past is past," the amnesty controversy has disappeared from the headlines for now, but the strong feelings the period of military rule evokes on both sides remain. The issue may well flare up again.

SOBEL